

Image RCE/16/00

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant  
application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/538,106
Filing Date	March 29, 2000
Examiner Name	Yaen, Christopher H
First Named Inventor	Frank McKeon
Group Art Unit	1642
Attorney Docket Number	HMV-038.02

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1448
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Checks in the amount of \$475.00 for RCE and \$385.00 for Extension of Time are enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Jennifer K. Holmes	Registration No. (Attorney/Agent)	46,778
Signature		Date	March 31, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to: Mail Stop RCE Commissioner For Patents, P.O. Box 1450, Alexandria VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print /Type)	John Barretto	Date	March 31, 2004
Signature			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: McKeon et al.

Serial No.: 09/538,106

Filed: March 29, 2000

For: *Cell Regulatory Genes, Encoded Products,  
and Uses Related Thereto*

Examiner: C. Yaen

Group Art Unit: 1642

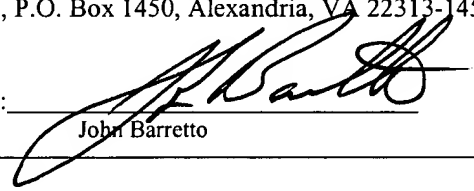
Docket No.: HMT-38.02

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March 31, 2004  
Date of Signature and Mail Deposit

By:   
John Barretto

**RESPONSE AND AMENDMENT**

Dear Examiner Yaen:

In response to the Final Office Action mailed on August 12, 2003 and the Advisory Action mailed on February 10, 2004 in connection with the above-identified patent application, Applicants respectfully submit this Response and Amendment. Please amend the claims of the subject application as indicated herein. A Petition for a three month extension of time and a Request for Continued Examination are filed concurrently herewith. If any additional fees are due, the Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to Deposit Account Number **06-1448, Reference HMT-038.02**.